

Detailed Action

Status of Application, Amendments, And/Or Claims:

Applicants' amendment of 15 July 2011 is acknowledged. Claims 2, 5-8, 10, 11 and 13-59 have been canceled. Claims 1, 3, 4, 9, 12, 56-60 and 64 have been amended and the amendment made of record. Claims 71-75 are newly presented and entered into the record.

Claims 1, 3, 4, 9, 12, and 50-75 are pending and under consideration in the instant application.

Information Disclosure Statement:

The Information Disclosure statements (IDS) submitted on the 19 July 2011 (documents 150 and 151) and 13 September 2011 have been considered. The signed copies are attached.

Withdrawn Objections/Rejections

Claims 2, 7 and 10 have been canceled; all rejections of these claims are therefore moot.

The objection to Claim 56 is withdrawn in light of Applicants' amendment to the claim.

The rejection of Claims 1, 3, 4, 9, 12 and 50-54 under 35 U.S.C. 112, second paragraph, is withdrawn in light of Applicants' amendment to the claims.

The rejection of Claims 1, 3, 4, 9, 10, 12, and 50-70 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is withdrawn in light of Applicants' amendment to the claims and in light of Applicants' submission of publications published between 1987-1996 which establish that at the date of filing of the instant application, those of ordinary skill in the art knew how to make and use polynucleotide molecules encoding two or more polypeptides.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Grant Reed on 13 September 2011.

Claim 59 is amended as follows:

In line 6 of the claim, please delete "a DNA binding domain," in between "a bacterial LacZ DNA binding domain" and "and an ecdysone receptor DNA binding domain."

Claim 74 is amended as follows:

In line 6 of the claim, please delete "a DNA binding domain," in between "a bacterial LacZ DNA binding domain" and "and an ecdysone receptor DNA binding domain."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHULAMITH H. SHAFER whose telephone number is (571)272-3332. The examiner can normally be reached on Monday through Friday, 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey J. Stucker can be reached on 571-272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SHULAMITH H. SHAFER/
Primary Examiner, Art Unit 1647